

Remarks

I. Introduction

This is in response to the Final Office Action dated November 24, 2009. In response to the finality of the Office Action a Request for Continued Examination is submitted herewith.

Claims 2-5, 11, 13, 14, and 21 are rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Publication No. 2007/0168426 to Ludwig et al. ("Ludwig") in view of U.S. Patent Application Publication No. 2006/0215029 to Katz ("Katz"). Claims 6-10, 15, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig in view of Katz in further view of U.S. Patent no. 5, 689,553 to Ahuja ("Ahuja").

In response, independent claims 13, 15 and 21 have been amended. No new matter has been added.

Claims 2-11, 13-15, and 19-21 remain for consideration.

II. Rejections under 35 U.S.C. §103

Independent claims 13 and 21 were rejected under 35 U.S.C. §103(a) as being anticipated by Ludwig in view of Katz.

In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. The cited references, separately or in combination, do not teach all of the claim limitations of currently amended independent claims 13 and 21. Therefore, withdrawal of the rejections under 35 U.S.C. §103(a) is requested.

The present application is directed to sharing information between a television and computer systems. A voice communication (e.g., a telephone call)

is established between a sender of audiovisual content and the intended receiver (page 6, lines 118 – 124). The sender then broadcasts the audiovisual content from a computer over a designated cable television channel or data network to the recipient (page 9, lines 188 – 195). The broadcast and voice communication are associated such that the recipient can control the sender's data/cable broadcast of the audio visual content via touch-tone telephone commands (e.g., DTMF signals) sent by the recipient over the voice communication (page 9, line 188 – 202). The audio visual content can be stored on customer premise equipment for later recall, for printing or faxing, or for forwarding to another (page 12, lines 257 – 260). Control information associated with the audiovisual content can be used to restrict the storage of the information at the receiver's premises (page 12, lines 261 – 268).

This aspect of transmitting control information associated with the audiovisual content to restrict storage of the information is claimed in currently amended independent claim 13 which includes the limitation of "means for downloading the A/V file and storage restriction control information related to the A/V file from the sender to a server associated with the recipient data communication network address via the data network during the voice connection." Ludwig and Katz, separately or in combination, do not disclose this limitation.

Ludwig is directed to storing and accessing media files. More particularly, Ludwig discloses collaborative workstation software that provides sharing screen snapshots, group annotation, and other features. Although Ludwig describes the transmission of audio and visual information, Ludwig does not disclose the transmission of control information associated with the audiovisual information indicating storage restrictions for the audio/visual information. Thus, Ludwig does not disclose "means for downloading the A/V file and storage restriction control information related to the A/V file" as recited in currently amended independent claim 13. Katz does not provide the limitation missing from Ludwig.

Katz pertains to a commercial product routing system with video vending capability. Although Katz describes the selective transmission on video to specific recipients (Katz paragraphs [0016] – [0017]), Katz does not disclose the transmission of control information indicating storage restrictions for the audio/visual information. Thus, Katz does not disclose “means for downloading the A/V file and storage restriction control information related to the A/V file” as recited in currently amended independent claim 13.

For reasons described above, Ludwig and Katz, separately or in combination, do not disclose the limitation of claim 13 discussed above.

In addition, the cited references, separately or in combination, do not disclose the limitation of “means for synchronized switching between the A/V file associated with the sender and an additional A/V file associated with an additional sender in response to switching between the voice connection associated with the sender and an additional voice connection associated with the additional sender” recited in currently amended independent claim 13.

Page 10, lines 219-223 of the present specification indicate that “[a] second incoming call to the CATV subscriber attempting to present audio visual information would normally receive a ‘busy’ signal, unless the subscriber has call waiting. In such a case, means can be provided which would cause a synchronized switching between the respective audiovisual materials when the called party switches between telephone calls.”

This aspect is recited in currently amended independent claim 13 which includes the limitation “means for synchronized switching between the A/V file associated with the sender and an additional A/V file associated with an additional sender in response to switching between the voice connection associated with the sender and an additional voice connection associated with the additional sender.” Ludwig and Katz, separately or in combination, do not disclose this limitation.

Although Ludwig discloses multiple images displayed in a mosaic, Ludwig does not disclose synchronous switching between two senders and a recipient. Katz does not provide the limitation missing from Ludwig. Although Katz discloses receiving communications at different times from different senders, Katz does not describe a situation where an additional sender attempts to contact a recipient while the recipient is currently receiving information from a different sender. Further, Katz does not describe switching between two senders. Thus, Ludwig and Katz, separately or in combination, do not disclose the limitation "means for synchronized switching between the voice connection and A/V file associated with the recipient and the sender and an additional voice connection and an additional A/V file associated with the recipient and an additional sender" as recited in currently amended independent claim 13.

For reasons discussed above, Ludwig and Katz, separately or in combination, do not disclose each and every limitation of currently amended independent claim 13. Further, none of the other references cited in the office action disclose these limitations. As such, the cited references, separately or in combination, do not disclose each and every limitation of currently amended independent claim 13.

Claim 21 has been amended in a manner similar to claim 13. As such, the cited references, separately or in combination, do not disclose each and every limitation of currently amended claim 21 for reasons similar to those discussed above in connection with independent claim 13. Since the cited references do not disclose each and every limitation of currently amended claims 13 and 21, the cited references cannot render claims 13 and 21 unpatentable. Accordingly, withdrawal of the rejections of claims 13 and 21 under 35 U.S.C. §103(a) is respectfully requested.

All remaining claims depend from an allowable base claim, and are therefore also allowable.

III. No New Matter

The amendments to claims 13, 15 and 21 do not add new matter. Support for these amendments can be found at least at page 12, lines 261 – 268 and page 10, lines 219-223 of the Specification.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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